

HOUSE BILL NO. 212

INTRODUCED BY J. PATTISON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING BICYCLISTS TO RIDE AGAINST THE FLOW OF TRAFFIC WHEN RIDING OUTSIDE OF THE LIMITS OF AN INCORPORATED OR UNINCORPORATED CITY OR TOWN; AND AMENDING SECTIONS 61-1-103, 61-8-333, 61-8-601, 61-8-602, AND 61-8-605, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-1-103, MCA, is amended to read:

"61-1-103. Vehicle. (1) "Vehicle" means every device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks. However, in chapters 3 and 4, the term means "motor vehicle" as defined in this part; ~~and in~~

(2) (a) In chapter 8, part 4, this term does not include a bicycle as defined in 61-1-123.

(b) The term does not apply to a bicycle that is being operated outside of the limits of an incorporated or unincorporated city or town for the purposes of any provisions of chapter 8, part 3, that require operation of a vehicle on the right side of a road or that specify turn procedures."

Section 2. Section 61-8-333, MCA, is amended to read:

"61-8-333. Required position and method of turning at intersections -- bicycle turn procedures -- signs. (1) The driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) ~~Right turns. Both~~ When turning right, both the approach for a right turn and a right turn ~~shall~~ must be made as close as practicable to the right-hand curb or edge of the roadway.

(b) ~~Left turn on two-way roadways. At any an~~ an intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn ~~shall~~ must be made in that portion of the right half of the roadway nearest the center line ~~thereof~~ and by passing to the right of ~~such the~~ the center line where it enters the intersection, ~~and after~~ After entering the intersection, the left turn ~~shall~~ must be made so as to leave the intersection to the right of the center line of the roadway being

1 entered. Whenever practicable the left turn ~~shall~~ must be made in that portion of the intersection to the
2 left of the center of the intersection.

3 (c) ~~Left turns on other than two-way roadways: At any an~~ intersection where traffic is restricted
4 to one direction on one or more of the roadways, the driver of a vehicle intending to turn left ~~at any such~~
5 ~~intersection shall~~ must approach the intersection in the extreme left-hand lane lawfully available to traffic
6 moving in the direction of ~~travel of such the~~ vehicle, ~~and after~~ After entering the intersection, the left turn
7 ~~shall must~~ be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully
8 available to traffic moving in ~~such the~~ direction upon the roadway being entered.

9 (d) A person making a turn under subsections (1)(a), (1)(b), or (1)(c) is entitled to the full use of
10 the lane from which the turn may be legally made.

11 (2) (a) A person operating a bicycle who intends to turn left on a roadway within the limits of an
12 incorporated or unincorporated city or town shall follow the course described in subsection (1) or in
13 subsection (2)(b).

14 (b) A person operating a bicycle who intends to turn left shall approach the turn as close as
15 practicable to the right curb or edge of the roadway. After proceeding across the intersecting roadway,
16 the person shall make the turn as close as practicable to the curb or edge of the roadway on the far right
17 side of the intersection. After turning, the person shall yield to through traffic and shall comply with any
18 official traffic-control device or police officer regulating traffic on the highway along which ~~he~~ the person
19 intends to proceed.

20 (3) A person operating a bicycle against the flow of traffic on a roadway outside of the limits of
21 an incorporated or unincorporated city or town, as required under 61-8-605(6), who intends to turn at an
22 intersection shall do so as follows:

23 (a) When turning left, the person shall stay as close as practicable to the left hand side of the road
24 throughout the entire turn.

25 (b) When turning right, the person shall dismount and pass through the intersection as a
26 pedestrian, as that term is defined in 61-1-308, subject to the provisions of Title 61, chapter 8, part 5.

27 ~~(3)(4)~~ Local authorities in their respective jurisdictions may cause markers, buttons, or signs to
28 be placed within or adjacent to intersections and ~~thereby require and~~ direct that a different course from
29 that specified in this section be traveled by vehicles turning at an intersection, ~~and when~~ When markers,
30 buttons, or signs are ~~so~~ placed as authorized in this subsection, ~~no~~ a driver of a vehicle shall execute the

1 turn a vehicle at an intersection other than as directed and required by such the markers, buttons, or
2 signs."

3

4 **Section 3.** Section 61-8-601, MCA, is amended to read:

5 **"61-8-601. Effect of regulations.** (1) It is a misdemeanor for ~~any~~ a person to do any act forbidden
6 or fail to perform any act required in this part.

7 (2) These regulations applicable to bicycles ~~shall apply whenever~~ when a bicycle is operated upon
8 ~~any~~ a highway or upon any path set aside for the exclusive use of bicycles subject to ~~those~~ the exceptions
9 ~~stated herein~~ provided in 61-8-605(6) and elsewhere in this part."

10

11 **Section 4.** Section 61-8-602, MCA, is amended to read:

12 **"61-8-602. Traffic laws applicable to persons operating bicycles -- exceptions.** Every person
13 operating a bicycle ~~shall be~~ is granted all of the rights and ~~shall be~~ is subject to all of the duties applicable
14 to the driver of any other vehicle by chapter 7, ~~this chapter,~~ and chapter 9, and this chapter except as to
15 special regulations in 61-8-605(6) and elsewhere in this part and except as to those provisions of chapter
16 7, ~~this chapter,~~ and chapter 9, and this chapter which by their very nature can have no application."

17

18 **Section 5.** Section 61-8-605, MCA, is amended to read:

19 **"61-8-605. Riding on roadways.** (1) As used in this section, "roadway" means that portion of a
20 highway improved, designed, or ordinarily used for vehicular travel, including the paved shoulder.

21 (2) A person operating a bicycle upon a roadway within the limits of an incorporated or
22 unincorporated city or town at less than the normal speed of traffic at the time and place and under the
23 conditions then existing shall ride as near to the right side of the roadway as practicable except when:

24 (a) overtaking and passing another vehicle proceeding in the same direction;

25 (b) preparing for a left turn at an intersection or into a private road or driveway; or

26 (c) necessary to avoid a condition that makes it unsafe to continue along the right side of the
27 roadway, including but not limited to a fixed or moving object, parked or moving vehicle, pedestrian,
28 animal, surface hazard, or a lane that is too narrow for a bicycle and another vehicle to travel safely side
29 by side within the lane.

30 (3) A person operating a bicycle upon a one-way highway with two or more marked traffic lanes

1 within the limits of an incorporated or unincorporated city or town may ride as close to the left side of the
2 roadway as practicable.

3 (4) Persons riding bicycles upon a roadway shall ride in single file except when:

4 (a) riding on paths or parts of roadways set aside for the exclusive use of bicycles;

5 (b) overtaking and passing another bicycle;

6 (c) riding on a paved shoulder or in a parking lane, in which case the persons may ride two
7 abreast; or

8 (d) riding within a single lane on a laned roadway with at least two lanes in each direction, in
9 which case the persons may ride two abreast if they do not impede the normal and reasonable movement
10 of traffic more than they would otherwise impede traffic by riding single file and in accordance with the
11 provisions of this chapter.

12 (5) A bicycle, as defined in 61-1-123(2), is excluded from the provisions of subsections (2) and
13 (3).

14 (6) (a) A person operating a bicycle on a roadway outside of the limits of an incorporated or
15 unincorporated city or town shall ride against the flow of traffic as far to the left side of the roadway as
16 practicable.

17 (b) If a person is operating a bicycle on a one-way roadway, the person shall ride against the flow
18 of traffic as far to the left side of the roadway as practicable.

19 (c) A person operating a bicycle in conformance with this subsection (6):

20 (i) may not be cited for a violation of any portion of part 3 of this chapter that pertain to vehicles
21 being required to operate on the right side of the road or, except as provided in 61-8-333(3), that prescribe
22 turn procedures; and

23 (ii) shall follow the turn procedures provided in 61-8-333(3)."

24 - END -